

APPEAL NO. 033181
FILED JANUARY 8, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 4, 2003. The hearing officer determined that the respondent (claimant) has an impairment rating (IR) of 15% as certified by the designated doctor appointed by the Texas Workers' Compensation Commission (Commission). The appellant (carrier) appeals this determination, asserting that the designated doctor's opinion is contrary to the great weight of the other medical evidence. The claimant urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant has a 15% IR as certified by the Commission-appointed designated doctor. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. We view the reports cited by the carrier as representing a difference in medical opinion, which do not rise to the level of the great weight of medical evidence contrary to the designated doctor's certification. Accordingly, we cannot conclude that the hearing officer's IR determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge